

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
ILLINOIS COMMERCE COMMISSION)
 v.)
COMMONWEALTH EDISON COMPANY,)
) No. 08-0532
Investigation of rate design)
pursuant to Section 9-250 of)
the Public Utilities Act.)
Chicago, Illinois
July 22nd, 2009

Met pursuant to notice at 10:00 a.m.

BEFORE :

MR. TERRENCE HILLIARD and MS. LESLIE HAYNES,
Administrative Law Judges.

1 APPEARANCES:
2 SONNENSCHN, NATH & ROSENTHAL
3 MR. JOHN ROONEY
4 233 S. Wacker Drive, Suite 7800
5 Chicago, Illinois 60602
6 appearing for Commonwealth Edison
7 Company;
8
9 MR. EUGENE BERNSTEIN
10 Exelon Business Services Corporation
11 10 South Dearborn Street, Suite 4900
12 Chicago, Illinois 60603
13 appearing for Commonwealth Edison;
14
15 BALOUGH LAW OFFICES
16 MR. RICHARD C. BALOUGH
17 One North LaSalle Street, Suite 1910
18 Chicago, Illinois 60604
19 appearing for the CTA;;
20
21 CORPORATION COUNSEL
22 MS. SUSAN CONDON
23 30 North LaSalle Street, Suite 900
24 Chicago, Illinois 60602
25 appearing for the City of Chicago;
26
27 LEUDERS ROBERTSON & KONZEN
28 MR. ERIC ROBERTSON
29 P.O. Box 735
30 1939 Delmar Avenue
31 Granite City, Illinois 62040
32 and
33 MR. CONRAD REDDICK
34 1015 Crest Street
35 Wheaton, Illinois 60186
36 appearing for IIEC
37
38 MR. CARMEN FOSCO
39 MR. JOHN FEELEY
40 160 North LaSalle Street, Suite C-800
41 Chicago, Illinois 60601
42 appearing for Staff;

1 APPEARANCES (Cont'd):
DLA PIPER LLP
2 MR. CHRISTOPHER J. TOWNSEND
MR. CHRISTOPHER SKEY
3 203 North LaSalle Street, Suite 1900
Chicago, Illinois 60601
4 appearing for REACT Coalition;

5 BOEHM, KURTZ & LOWRY
MR. KURT BOEHM
6 36 East 7th Street, Suite 1510
Cincinnati, Ohio 45202
7 appearing for Kroger Co.;

8 HINSHAW & CULBERTS
MR. EDWARD GOWER
9 400 South 9th Street, Suite 200
Springfield, Illinois 62701
10 appearing for Metra;

11 MR. ARTHUR PERRY BRUDER
1000 Independence Avenue, SW
12 Washington, DC 20585
appearing for the U.S. DOE;

13 MS. KRISTIN MUNCH
14 100 West Randolph, 11th Floor
Chicago, Illinois 60601
15 appearing for the People of the State of
Illinois;

16 JENKINS AT LAW, LLC
17 MR. ALLEN JENKINS
2265 Roswell Road, Suite 100
18 Marietta, Georgia 30062
appearing for the Commercial Group;

19 BRICKFIELD, BRUCHETTE, RITTS & STONE, PC
20 MR. SHAUN MOHLER
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22 SULLIVAN REPORTING COMPANY, by
Barbara A. Perkovich, CSR

1		<u>I</u> <u>N</u> <u>D</u> <u>E</u> <u>X</u>				
2	<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	Re- <u>direct</u>	Re- <u>cross</u>	By <u>Examiner</u>
3	None.					
4						
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7		<u>E</u> <u>X</u> <u>H</u> <u>I</u> <u>B</u> <u>I</u> <u>T</u> <u>S</u>				
8	<u>Number</u>	<u>For Identification</u>			<u>In Evidence</u>	
9	None.					
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1 JUDGE HILLIARD: On behalf of the Illinois
2 Commerce Commission, I call Docket 08-532, the
3 Commission versus Commonwealth Edison,
4 investigation of rate design.

5 Can the parties identify themselves for
6 the record, please.

7 MR. ROONEY: On behalf of the Commonwealth Edison
8 Company, John Rooney, the firm of Sonnenschein,
9 Nath and Rosenthal, LLP, 230 South Wacker Drive,
10 Suite 7800, Chicago, Illinois 60606.

11 MR. BERNSTEIN: Also appearing on behalf of Com
12 Ed, Eugene Bernstein with Exelon Business Services
13 Corporation, 10 South Dearborn, Suite 4900,
14 Chicago, Illinois 60603.

15 MR. TOWNSEND: On behalf of the Coalition to
16 Request Equitable Allocation of Costs Together, the
17 law firm of DLA Piper, LLP, US, by Christopher J.
18 Townsend and Christopher N. Skey, 203 North
19 LaSalle, Suite 1900, Chicago, Illinois 60601.

20 MR. FOSCO: Appearing on behalf of staff of the
21 Illinois Commerce Commission, Carmen Fosco and John
22 Feeley, Office of General Counsel, 160 North

1 LaSalle Street, Suite C-800, Chicago,
2 Illinois 60601.

3 MR. REDDICK: Appearing for the Illinois
4 Industrial Energy Consumers, IIEC, Eric Robertson
5 of the firm of Leuders, Robertson and Konzen, 1939
6 Delmar Avenue, Post Office Box 735, Granite City,
7 Illinois 62040. And Conrad R. Reddick, 1015 Crest
8 Street, Wheaton, Illinois 60189.

9 MS. CONDON: On behalf of the City of Chicago,
10 Susan Condon, Assistant Corporation Counsel, 30
11 North LaSalle, Chicago, Illinois.

12 MS. MUNSCH: On behalf of the People of the State
13 of Illinois, Kristin Munsch, 100 West Randolph
14 Street, 11th Floor, Chicago, Illinois 60601.

15 MR. BALOUGH: Appearing for the Chicago Transit
16 Authority, Richard C. Balough, Balough Law Offices,
17 One North LaSalle Street, Suite 1910, Chicago,
18 Illinois.

19 JUDGE HILLIARD: Anybody on the telephone.

20 MR. BRUDER: This is Arthur Perry Bruder, for the
21 U.S. Department of Energy, 1000 Independence Avenue
22 Southwest, Washington, DC 20585.

1 MR. JENKINS: This is Alan Jenkins for the
2 Commercial Group, 2265 Roswell Road, Marietta,
3 Georgia 30062.

4 MR. BOEHM: This is Kurt Boehm appearing on
5 behalf of the Kroger Company with the law firm of
6 Boehm, Kurtz and Lowry, 36 East 7th Street, Suite
7 1510, Cincinnati, Ohio 45202.

8 MR. MOHLER: This is Shaun Mohler appearing on
9 behalf of New Core Steel Kankakee, Law Firm of
10 Brickfield, Burchette, Ritts and Stone 1025 Thomas
11 Jefferson Street, Northwest, 8th Floor, West Tower,
12 Washington, DC 20007.

13 MR. GOWER: This is Ed Gower, I represent Metra.
14 I'm with the law firm Hinshaw and Culbertson, 400
15 South 9th Street, Suite 200, Springfield, Illinois
16 62701.

17 JUDGE HILLIARD: Okay, I guess that's all the
18 appearances. I scheduled the hearing in connection
19 with REACTS motion to delay the testimonial
20 schedule and it seemed to me that it was -- it
21 might be appropriate to consider bifurcating off
22 the issues relating to REACTS DR request from the

1 rest of the hearing, because it seems that the rest
2 of the parties are marching along to the schedule
3 we had already set. So, what do you think about
4 that, Mr. Townsend?

5 MR. TOWNSEND: Thank, Judge. We have had an
6 opportunity to talk about that concept with a
7 number of the parties. And at this point, no one
8 has been able to figure out how it would be
9 possible to separate out just those issues and set
10 those aside, because they go to the heart of the
11 imbedded cost of service study, kind of testing the
12 validity of the imbedded cost of service study with
13 regards to the extra large customers.

14 The general consensus is that if you're
15 taking the costs associated from that group and
16 reducing it, you would have to be increasing the
17 costs somewhere else. And the whole question of
18 how that would occur and what the impact of that
19 would be, is something that the parties wanted to
20 understand better, in light of the positions that
21 would be developed in response to the data
22 requests, rather than in isolation.

1 So at this point, although we've talked
2 to a number of the parties, we have not been able
3 to figure out how we would, in fact, be able to
4 split those apart, as a matter of kind of
5 evidentiary proof. In addition, parties, including
6 REACT, have concerns about the additional cost of
7 having separate hearings and having to go through
8 the hearing process two separate times.

9 JUDGE HILLIARD: What does the Company have to
10 say about these issues?

11 MR. ROONEY: Well, first of all, your Honor, last
12 night, I believe you were recipients of Com Ed's
13 second supplemental response to REACT 2.3A. That
14 response, the Company believes, provides REACT, in
15 conjunction with your ruling, the information that
16 Com Ed currently has readily available to provide
17 on the -- both the facilities and the cost related
18 to those facilities and I won't get into the
19 details of the DR response.

20 I spoke to Mr. Townsend last evening,
21 understandably he may need some more time to
22 consider what we've provided. The Company

1 certainly has no objection to rescheduling hearings
2 to meet whatever needs to be done. And in terms of
3 the Company's view, the one issue that they would
4 like to have is the 14 days that was currently
5 contemplated to file surrebuttal testimony related
6 to any rebuttal testimony once it gets filed.

7 So if, in fact, either Mr. Townsend or
8 the ALJ's don't believe more is required of this DR
9 response, we certainly think that's probably an
10 issue that needs to get resolved and then go
11 forward with the scheduling. But right now we're
12 willing to -- we have no objection to moving the
13 schedule to resolve these other issues before we
14 move forward.

15 MR. TOWNSEND: Your Honor, again, I don't know if
16 you've even had a chance to review the response
17 from Com Ed, but even within that response they
18 appear to acknowledge that the information that
19 they provided last night was not complete. And
20 instead they offer up an alternative approach that
21 they might be able to implement in a 6-month period
22 of time.

1 Now, that raises a whole set of
2 additional questions that we have as to that
3 approach. But even on the face of the response,
4 it's not suggesting that it has provided the
5 information that has been requested. So at this
6 point, we certainly don't view that as being
7 satisfying our data request or the ruling of the
8 ALJ's, that the Company respond fully to the data
9 request.

10 MR. ROONEY: And I don't want to plow over old
11 ground, your Honor. Our concern, when we read the
12 ruling of last week and the ruling indicated a --
13 that we want -- that you wanted to go forward with
14 the hearings on August 10th, we provided as much
15 information as we had available, which is
16 consistent with what we thought your ruling
17 indicated.

18 Yes, we would have to do work beyond
19 what's readily available and we identified that.
20 If the ALJ's believe that that's something we
21 should do, it's Com Ed's position we want to meet
22 whatever the ALJ's want to do to make that ruling

1 take place. So I'm not here to, kind of like Mark
2 McGuire, I'm not hear to talk about the past, I'm
3 hear to talk about the future.

4 JUDGE HILLIARD: Interesting analogy, Mr. Rooney.

5 MR. ROONEY: In any event, I think the bottom
6 line is is the Company wants to comply with the
7 ALJ's ruling and interpretation of that ruling. So
8 whether this response meets it, whether the ALJ's
9 would like the Company to engage in further
10 exercise that's reflected in the DR response,
11 certainly we would look for any guidance that the
12 ALJ's may have in that regard.

13 But in terms of the schedule, I believe,
14 as Mr. Townsend indicated, there would be issues
15 with attempting to bifurcate. Maybe the only issue
16 that possibly could be bifurcated would be the
17 customer care cost issue, since that really isn't a
18 question of taking a cost and moving it from one
19 customer class to another within the cost study,
20 but actually eliminating that cost entirely from
21 the distribution revenue requirement and moving it
22 over to the comply side. If, in fact, that was

1 what was done at the end of the day.

2 But other than that, I think we concur
3 with the other party's view on the bifurcation
4 issue.

5 JUDGE HILLIARD: Anybody else want to talk.

6 MR. REDDICK: Conrad Reddick for IIEC. Your
7 Honor, would it be appropriate to inquire of Com Ed
8 at this point, after they have had an opportunity
9 to review REACT's modification of its request and
10 your qualifications on the DR, whether their time
11 frame for compliance has changed? IIEC is
12 concerned that we not have an unduly lengthy delay
13 in addressing these issues.

14 MR. JENKINS: Your Honor, this is Alan Jenkins
15 for the Commercial Group. We would echo that.
16 Keep in mind, the administrative law judges, that
17 this is an expedited hearing and customers in our
18 group are being harmed by current subsidies that
19 have been shown and customers like REACT and that
20 group tend to benefit from extended delay. So
21 however this is resolved, we would urge you to
22 continue this on at least a more expedited

1 schedule. Thank you.

2 MR. TOWNSEND: Your Honor, if I may, in response
3 to Mr. Jenkins, obviously that is one of the
4 questions that we're trying to test, by getting the
5 additional information, is the assertion by those
6 like Mr. Jenkins who has testified here today that
7 he believes that there is a subsidy out there for
8 the REACT members.

9 Obviously the testimony that we have
10 submitted by our experts suggests quite the
11 contrary, that the subsidy may be going the other
12 way. And so that, again, is why we need to get the
13 additional data to see if the imbedded cost of
14 service study does, in fact, have a basis in
15 reality or if the assumptions that are in it are
16 incorrect and suggest that it is quite the opposite
17 of what Mr. Jenkins has suggested in that REACT is,
18 in fact, subsidizing other customers and other
19 large customers are subsidizing other customers.

20 JUDGE HILLIARD: Did I understand the colloquy to
21 suggest that Com Ed has decided it can give a more
22 expansive response, but not necessarily to the

1 detail that REACT wants, but it was going to take
2 about 6 months; is that right?

3 MR. ROONEY: Your Honor, we said yesterday we
4 provided information that provides what we have
5 currently available. We've proposed that if, in
6 fact, there is a need to go beyond what is readily
7 available, we have proposed an alternative that is
8 reflected on Page 3 of the response we supplemented
9 last night. That, again, it wouldn't be the
10 expansive specific studies that we discussed in our
11 motion for reconsideration, but it would, instead,
12 be a more simplified approach that could be
13 accomplished in approximately 6 months at a reduced
14 cost.

15 So, in terms of time frame, that's where
16 we stand. If the ALJ's or obviously -- we've
17 provided everything that we have readily available,
18 it will take time to create more that we currently
19 don't have. The alternative approach we've
20 identified would be about 6 months to accomplish at
21 the expense I identified.

22 MR. TOWNSEND: Your Honor, this entire process

1 where Com Ed is now providing you with the
2 responses to the data requests and trying to
3 essentially reargue what it is that they have to
4 provide in response to the data requests seems
5 entirely inappropriate.

6 Com Ed did not approach REACT at any
7 time prior to serving this data request response,
8 suggesting that there was an alternative approach
9 that Com Ed is considering. Com Ed did not inform
10 the Commerce Commission that there was an
11 alternative approach, but instead left your Honor
12 to believe that the only way in which they could
13 respond to the data request was a time frame that
14 would take up to a year and could cost up to a
15 million dollars. So for them to spring, on the eve
16 of this status hearing, without having any kind of
17 substantive discussion with us and a suggestion
18 that that should now guide what it is that you are
19 going to do today, in terms of a ruling, seems
20 entirely inappropriate.

21 They have not responded to a data
22 request that you have directed them to respond to.

1 Their timing for being able to respond to that
2 fully, I think, still remains a question as to how
3 long it is, in fact, going to take them. But this
4 whole idea that there is now an alternative
5 approach that might be able to satisfy, within some
6 time, and that they provided some information that
7 they admit is not fully responsive to the data
8 request, all that does is suggest that we are at a
9 position right now where we really don't know what
10 the timing is going to be in order to be able to
11 get a full and complete response from Com Ed. And
12 that until we do get a further response from Com
13 Ed, we're not going to be able to know whether or
14 not we're ready for hearings.

15 JUDGE HILLIARD: Additionally, or I just want to
16 pin down where we're at with the rest of these
17 things. We issued a ruling on the 17th regarding a
18 couple other outstanding issues. What kind of time
19 parameters do you have responding to those
20 Mr. Rooney?

21 MR. ROONEY: Consistent with your ruling, your
22 Honor, and as I informed Mr. Townsend last evening,

1 it is Com Ed's goal to respond to those DR's by the
2 end of this week.

3 JUDGE HILLIARD: What we think would be a
4 reasonable course of action here, would be to give
5 REACT and any other interested parties a chance to
6 review the data requests and to make known any
7 objections you have with Com Ed's response and Com
8 Ed can reply to whatever problems REACT or whoever
9 has with your response. Taking into account
10 Mr. Townsend's suggestion, I think the parties can
11 also use this period, if they choose to, to, within
12 the time limits provided by the Commission rules,
13 to make any interlocutory appeals. After we have
14 whatever writings the parties choose to make on
15 these matter, we'll take this to the Commission,
16 because it seems it's going to require a potential
17 modification of the schedule.

18 So why don't we see if we can agree upon
19 a schedule for this potential -- for what is going
20 to happen now. So how much time do you think
21 you're going to need to review your data request
22 and respond to it?

1 MR. TOWNSEND: At this point we still have data
2 request responses that Com Ed is due to provide to
3 us by the end of the week. So at this point, I
4 don't know how long it's going to take to review
5 responses I haven't seen. But certainly I would
6 imagine if we had 2 weeks after that to be able to
7 review them, discuss them with our clients, I would
8 imagine that that would be sufficient time for us.

9 JUDGE HILLIARD: So you want until August 7th; is
10 that right? About right?

11 MR. TOWNSEND: That will be fine.

12 JUDGE HILLIARD: And how much time does Com Ed
13 need to respond?

14 MR. ROONEY: A week will be fine, your Honor.

15 JUDGE HILLIARD: That will be August 14th.

16 MR. TOWNSEND: Just so I understand, your Honor,
17 I think that at this point the only question will
18 be, on August 7th, whether or not Com Ed has
19 responded to the data requests in a manner that is
20 satisfactory to REACT.

21 Because, again, they've admitted that,
22 you know, in order for them to fully respond to the

1 data request, that it's going to take them around
2 6 months. And so -- and they've been ordered to do
3 that. So I'm not sure what it is that Com Ed would
4 further respond to. On the 7th, we'll advise the
5 Commission whether or not --

6 JUDGE HILLIARD: Well, if you were to say, for
7 instance, that what they are proposing is totally
8 unsatisfactory, and they say well, no, it's not.
9 Well, then we can make a ruling on that and take a
10 recommendation to the Commission, something along
11 those lines.

12 MR. TOWNSEND: Okay.

13 JUDGE HILLIARD: And then you've got, what is it,
14 21 days to do an interlocutory appeal?

15 MR. TOWNSEND: I think the timing actually
16 coincides essentially with that.

17 JUDGE HILLIARD: You can make a decision on what
18 you're doing with regard to interlocutory appeals
19 in the same period of time.

20 MR. ROONEY: I guess where we're at, your Honor,
21 is we're going to be looking for guidance from you.
22 I would disagree with Mr. Townsend on one point,

1 you know. We think that the question is whether or
2 not our responses meet your ruling, as opposed to
3 what REACT desires. And for us it boils down to a
4 question of, is what the ALJ's wanted was us to
5 produce everything that we could reasonably produce
6 now or to engage in these studies to produce things
7 we didn't have. And just that clarification, for
8 us, would be helpful. And once we get that
9 clarification, that would guide us on if we wanted
10 to file a petition for interlocutory review or not.

11 And so I guess what I would ask for is
12 that once we got -- assuming what REACT files on
13 the 7th, and assuming what Com Ed files on the
14 14th, once we got an ALJ ruling on the entire
15 issue, then we would -- we would be in a position
16 to not wait 21 days or anything like that to
17 determine what we're going to do on interlocutory.

18 My concern is is that your ruling with
19 regard to the motion for reconsideration came out a
20 week ago Monday. And given the time frame and the
21 time that REACT has requested to review our DR
22 responses, the 21 days is going to lapse. And we

1 would just rather be in a position to get clarity
2 from the ALJ's as to whether or not this
3 appropriate or not. And if not, then we'll be in a
4 position to move from there.

5 MR. TOWNSEND: Your Honor, Com Ed has been
6 directed to respond to REACT's data requests. I
7 don't know how many bites of the apple they think
8 that they should be able to get here, but they now
9 have come out with another approach that they think
10 that they should be able to put before you in order
11 to be able to respond to the data requests. They
12 have an obligation now to respond to the data
13 request.

14 According to their own response, what
15 they gave to us, last night, after the close of
16 business, is not responsive to -- is not fully
17 responsive to the data question.

18 MR. ROONEY: It doesn't say that, your Honor.

19 MR. TOWNSEND: You've developed an alternative
20 approach to estimate the cost information for the
21 14 REACT members.

22 MR. ROONEY: Notwithstanding the lack of

1 available data, which I guess goes to the core of
2 it. And all we're seeking is clarification from
3 the ALJ's.

4 MR. TOWNSEND: The ALJ's were fully informed that
5 Com Ed believed that it was going to take them time
6 in order to be able to develop the information that
7 was requested by the data requests, Com Ed argued
8 that repeatedly and they sought to argue it even
9 after the close of the hearings. And the ALJ's
10 have been very clear in saying we understand that
11 it's going to take time for Com Ed to be able to
12 develop that data, but you have an obligation to
13 respond to that data request.

14 And now they're saying, well, maybe we
15 don't have that obligation. And that's exactly the
16 same thing that they said in their motion for
17 reconsideration and you were very clear in saying
18 you do have that obligation. As a matter of fact,
19 you have had multiple opportunities, prior to
20 filing your motion for reconsideration to present
21 those arguments and you didn't present the same
22 level of detail and now they come out with yet

1 another detail and they say, well, now we can try
2 something else. And they want you to reconsider
3 again your ruling on the motion to compel. You've
4 made a ruling --

5 JUDGE HILLIARD: I understand your point. All
6 right, Judge Haynes has made, I think, a fine
7 suggestion. There is a Commission meeting on the
8 19th, we're going to -- our plan, right now, is to
9 take the information, the writings, the objections
10 of both parties and present them to the Commission
11 with our analysis of the situation and ask the
12 Commission to make a ruling on this whole ball of
13 wax, so that we can have direction and not have to
14 short step this every couple weeks for another
15 briefing schedule or whatever.

16 So I think we would like to hear REACT's
17 and anybody else's objections by the 7th, to the
18 latest response to data requests and Com Ed's reply
19 on the 14th. And we will put this on the agenda
20 for the August 19th -- maybe we'll put it on for
21 the 25th, which is the following meeting and we'll
22 leave it up to the Commission to give us some

1 direction. Okay.

2 MR. TOWNSEND: Okay.

3 MR. ROONEY: Great.

4 MR. TOWNSEND: And so the timing for petitions
5 for interlocutory review remains the same as what's
6 reflected in the Commission's rules?

7 JUDGE HAYNES: If a party wants to appeal our
8 July 17th ruling, yes.

9 JUDGE HILLIARD: Or any other ruling.

10 MR. FOSCO: Your Honor, does that mean that the
11 hearings are now postponed until after that
12 direction from the Commission?

13 JUDGE HILLIARD: I think that's got to be the
14 case. Anything further?

15 MR. JENKINS: And your Honor, just to clarify,
16 the schedule on August 14th, those are comments to
17 any objections of REACT or are those comments for
18 the Commission about the overall issue with respect
19 to this customer specific data collection?

20 JUDGE HILLIARD: Well, I think I'll leave that up
21 to you, Mr. Jenkins. You can make whatever
22 response you think is appropriate.

1 MR. TOWNSEND: I mean, perhaps, your Honor, what
2 we -- what it sounds like that modification would
3 be is that parties file positions on the 7th, with
4 regards to where we're at with the current status
5 and then we get a chance to file responses to those
6 positions on the 14th?

7 JUDGE HAYNES: Well, I think for you we're
8 looking for, perhaps, your take on whether or not
9 Com Ed has completely responded to your data
10 requests.

11 MR. TOWNSEND: I can provide you with that answer
12 today. This response is not completely responsive.

13 JUDGE HAYNES: And why, but in writing, please.

14 MR. TOWNSEND: But even within the response, they
15 say that if we want to get the underlying
16 information it's going to take 6 months underneath
17 this alternative approach. And so from our
18 perspective, I think, the only question is, we
19 still want the underlying information, the only
20 question is would the alternative approach seem
21 reasonable to us. And, again, we've only got one
22 paragraph here that gives us guidance as to whether

1 or not the alternative approach would be
2 acceptable.

3 JUDGE HILLIARD: If you can do that today, why do
4 you need 2 weeks? What are you doing with the
5 2 weeks?

6 MR. TOWNSEND: I'm trying to understand a little
7 bit more as to what it is that is being proposed by
8 Com Ed within this and also trying to digest what
9 it is that we actually are getting in this
10 additional informing. Which, I think, is also
11 going to inform us on a petition for interlocutory
12 review on the prior ruling.

13 Further, we don't have some of the
14 responses yet from Com Ed and so those responses
15 that we'll get at the end of this week could also
16 inform whatever position that we're going to take
17 in a couple of weeks.

18 JUDGE HILLIARD: Then I think the briefing
19 schedule should be August 7th, parties can comment
20 upon the data -- responses to data requests. And
21 on August 14th, people can comment on the schedule
22 modification issue or on the objections to the data

1 requests. Okay?

2 MR. ROONEY: Okay.

3 JUDGE HILLIARD: Then we'll be adjourned until --

4 I guess we'll need some kind of a date. We'll

5 schedule another status for how about

6 September 1st?

7 MR. TOWNSEND: Okay.

8 MR. ROONEY: Great.

9 JUDGE HILLIARD: 10:00 a.m.

10 MR. FOSCO: Is it possible to have it on the

11 2nd, only because staff is finishing hearings in

12 the Peoples case, staff is.

13 JUDGE HILLIARD: All right, September 2nd at

14 10:00 a.m. then.

15 (Whereupon the above-entitled

16 matter was continued to September

17 2nd, 2009 at 10:00 a.m.)

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